

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
W.R. Grace & Co., et al.,)	Case No. 01-01139 (JKF)
)	(Jointly Administered)
Debtors.)	
)	

CLAIMANTS REPRESENTED BY
THE LAW FIRM OF MOTLEY RICE LLC’S
PRELIMINARY DESIGNATION OF FACT AND EXPERT
WITNESSES REGARDING THE TRIAL ON LACK OF HAZARDS

The Claimants¹ represented by the law firm of Motley Rice LLC (hereinafter the “Motley Rice” Claimants) hereby make their Preliminary Designation of Fact and Expert Witnesses Regarding the Trial on Lack of Hazards pursuant to the Amended Order Setting Various Deadlines Regarding Objections To Asbestos Property Damage Claims, and more specifically with regard to the Phase for Adjudication on Lack of Hazards.

Defendant takes the position that in order to have a claim against W.R. Grace for property damage a claimant must show that their building has certain levels of respirable air samples. To the extent there are no documented air samples or dust sampling, W.R. Grace contends that no hazard exists, thus no property claim can be made. Under Grace’s contention, no cause of action may be accrued.

Claimants contend that whether or not a property damage claimant has a claim should not be prefaced on whether air or dust sampling exists. Sampling is not necessary

¹ The Asbestos Property Damage Claimants represented by the law firm of Motley Rice LLC, on whose behalf this Amended Designation of Fact and Expert Witnesses Regarding the Schedule for the Adjudication of Product Identification, Limitations Periods and the Libby Issue, as Described in the 15th Omnibus Objections, is served, include the following: American Legion (Claimant #3406); Catholic Diocese of Little Rock (Claimant #3515); CHP Associates (Claimant #2977); Fargo Housing Authority (Claimant #3405); Port of Seattle (Claimants #9645, 9646 and 9647); and State of Washington (Claimants #6937, 6938, 6939, 6940, 6941, 6942, 6943 and 6944). Preliminary Fact and Expert Designations were filed on behalf of claim claimant pursuant to the Court’s Scheduling Order and are incorporated herein.

to make judgments on what actions must be taken when WR Grace's friable asbestos-containing materials are identified in a building. To the contrary, abatement, operations and maintenance decisions can responsibly be made and are made on the basis of comprehensive visual inspection. Obvious and significant deteriorated materials may require abatement.

I. EXPERT WITNESSES

Claimants hereby incorporate by reference as if fully contained herein any experts or lay witnesses filed by any other property damage claimants and property damage claimants' committee regarding Grace's regarding the lack of hazards associated with asbestos in buildings. Claimants may call the following experts to testify regarding issues involving the hazards associated with in place asbestos. Claimants will call environmental and governmental regulatory specialists, industrial hygienists, lab analysts, pathologists and other medical experts regarding the hazards. These experts are qualified to testify about dose-response relationships and the occurrence of disease, multiple types of asbestos fibers including but not limited to tremolite, chrysotile, the friability of W.R. Grace asbestos containing products and their adverse effect on human lung tissue. Claimants' experts will also testify regarding the anatomy of the lung and other medical issues relating to mesothelioma and other asbestos related diseases.

These experts may testify that governmental agencies, trained industrial hygienists and medical professionals recognize that the hazard presented by the potential release of asbestos into the air from friable asbestos-containing materials as it deteriorates or is disturbed, required bulk sample analysis of the asbestos-containing materials to assess the exposure hazard and the necessity for action or remediation.

Air sampling is not required to assess this exposure hazard. Air sampling only measures asbestos concentrations at the time of the sampling. The process neglects to account for overall accumulation of dust over time. Air sampling in fact, may show a false sense that a building is safe. Asbestos-containing materials release asbestos sporadically over time. Claimants' experts will testify that in place W.R. Grace's asbestos-containing materials do release free respirable asbestos fibers when disturbed by physical contact or through varying ways of deterioration or manipulation. Building owners with W.R. Grace asbestos-containing products are subject to governmental regulation on how to handle, manage and abate W.R. Grace's products. Many of these opinions have been addressed and are hereby incorporated in the Claimants' expert reports already submitted by Drs. Longo, Welsh, Anderson and Mr. Ewing. Claimants will provide expert testimony that building owners are obligated to prevent or minimize asbestos exposures from asbestos-containing material in their buildings. Regulation agencies including EPA and OSHA adopt the no threshold risk model, meaning no "safe level" of asbestos exposure has been identified. Building owners are obligated by these opinions to prevent exposure. Experts will testify that dust sampling, air sampling and other assessment tools supplement the visual inspection but do not replace it. Experts will opine that air sampling alone does not adequately assess the risk of exposure to asbestos in buildings. Claimants' experts include, but are not limited to the following:

Henry A. Anderson, MD
Laura S. Welch, MD
William M. Ewing
Dr. William Longo, PhD.
Dr. Richard Lemen

Dr. Samuel P. Hammar
Mr. Richard Hatfield
Dr. Eugene J. Mark
Dr. James Millette
Ronald F. Dodson

Dr. William Longo, Ph.D.
Materials Analytical Services
3945 Lakefield Court
Suwanee, GA 30024

Dr. William Longo is the President of Materials Analytical Services, Inc. in Suwanee, Georgia. Dr. Longo will specifically testify to the identification of W.R. Grace's products. Dr. Longo has conducted extensive research with asbestos-containing materials and various methods for analysis of asbestos fibers. As a microscopist, his research included analysis of asbestos fibers in settled dust and the potential for asbestos fibers to be released from various asbestos-containing materials. He may also testify to the use or lack of air samples in assessing building owners' decisions to maintain or abate asbestos containing materials. He will also testify to various bulk samples collected from buildings at issue and identify those products or W.R. Grace/Zonolite products. Dr. Longo has also conducted research on the mineral fiber content of lung tissue with environmental exposures of asbestos, including household contracts and building occupants.

Dr. Longo is expected to testify regarding his work with asbestos and his analytical methods of analyzing asbestos fibers in lung tissue and various building or industrial products. He may testify and offer opinions concerning whether specific types of Grace asbestos-containing products have a potential to release

respirable asbestos fibers. He may also testify and show video tapes concerning fiber release simulations and experiments.

Ronald F. Dodson, Ph.D., FCCP, FAHA
406 Windomere Circle
Tyler, Texas 75701
903-5090210, CP-903-5212861

Dr. Dodson's academic appointment is as Professor of Cell Biology and Environmental Sciences at the University of Texas Health Center at Tyler. Dr. Dodson's doctorate is in biological electron microscopy. His laboratory has been involved since 1977 in studies utilizing light and analytical transmission electron microscopy in analysis of environmental samples and concentrated on a particular specialty of tissue and body fluid analysis for the presence of asbestos bodies and uncoated asbestos fibers. This lab has developed some of the techniques used for tissue digestion which has enabled them to report on fiber burden in lavage, sputum, as well as the lung. His laboratory has contributed to the medical and scientific literature on asbestos content in extrapulmonary sites. Dr. Dodson has published manuscripts in the peer reviewed literature on the subject of asbestos and health, he is a reviewer for several scientific journals, and he has contributed several chapters in books on the subject of asbestos and health effects.

In his role as an environmental scientist, Dr. Dodson has served on governmental committees such as the Texas Department of Health Asbestos Advisory Committee (which drafted the asbestos state regulations), and Peer Review Panelist, National Center for Environmental Research and Quality

Assurance (EPA). He has held the responsibility for an Asbestos Training Division (originally approved under the Model Accreditation Program by EPA). He has spoken extensively as a lecturer in asbestos induced health effects both in asbestos training courses and by invitations from organizations ranging from scientific meetings to the National Conference of State Legislatures and DRI. Dr. Dodson holds licenses from the Texas Department of Health (through the extension of the Model Accreditation Program supervised by EPA), as an Inspector/Manager Planner, and as an Asbestos Operations and Maintenance Supervisor-Restricted.

Dr. Dodson will testify as to the significance of data obtained from tissue analysis carried out by his laboratory or interpret the presentation of data from other labs. He can furthermore speak to the health effects of exposure to asbestos. He will testify on asbestos length and pathogenicity. He will also testify on the potential that inhaled short fibers may have in contributing to the development of disease.

Dr. Dodson will testify that all types of asbestos can cause disease and that, while short fibers are cleared more readily from the lung, they are also the more likely form of fiber "cleared" to extrapulmonary sites where asbestos related diseases occur. Dr. Dodson may also testify as to the meaning of comparative data derived from experimental models where various types of asbestos have been used in tissue or animal studies.

**William M. Ewing, CIH
Compass Environmental, Inc.
1751 McCollum Parkway, NW
Kennesaw, Georgia 30144-5908**

Mr. Ewing is a Board Certified Industrial Hygienist who has conducted extensive research on the hazards of asbestos. Mr. Ewing may testify regarding the evaluation of asbestos-containing material, materials testing techniques, air sampling techniques, fiber counting techniques, the techniques of measuring the releasability of fibers, and the migration, re-entrainment and drift of asbestos fibers.

Mr. Ewing may also testify regarding on the releasability of asbestos fibers from defendants' products. He may testify concerning certain experiments performed by himself and others to determine the releasability of asbestos fibers from defendants' products. Mr. Ewing may testify that the release of asbestos fibers from defendants' products poses an unreasonable hazard. He may testify that in addition to the risks associated with people using defendants' products, persons who do not directly use defendant's products or whose use of defendants' products occurs infrequently are also at increased risk of asbestos related disease. Mr. Ewing may testify regarding the precautions needed to protect workers and may offer opinions concerning asbestos exposures at various job sites. Additionally, Mr. Ewing may testify regarding government regulations of asbestos and his work with various organizations regarding asbestos.

Mr. Ewing's testimony will be based upon his education, training, experience, review of the scientific literature and case specific materials.

Dr. Samuel P. Hammar
Diagnostic Specialties Laboratory, Inc.
P.O. Box 2171
700 Lebo Blvd.
Bremerton, Washington 98310

Dr. Hammar is the Director of Diagnostic Specialties Laboratory, Inc. in Bremerton, Washington. He is a Board Certified Pathologist specializing in pulmonary pathology. Dr. Hammar is a Clinical Professor of Pathology, University of Washington School of Medicine, and holds positions on the IASLC Panel, World Health Organization and the U.S. and Canadian Mesothelioma Panel.

He may testify regarding the plaintiff's medical condition, diagnosis, prognosis, causation and/or demise. Dr. Hammar may testify as to the general medical aspects of the diagnosis and causation of asbestos related diseases.

Dr. Hammar's diagnosis will be based on the growth rates and histological appearances of the tumor and chemical testing of tissue samples. Dr. Hammar may further testify concerning asbestos fiber length, disposition, migration, size, classifications and fiber counts as found within the tissue. Dr. Hammar may also testify regarding the synergism between cigarette smoking and exposure to asbestos. He may also use electron microscopy in the evaluation of these materials and identify asbestos fiber by mineralogical classification. Dr. Hammar will testify to the pathological effects on the lungs of all forms of asbestos fibers. He may further testify regarding the dose response relationship between asbestos and disease.

Dr. Hammar's testimony will be based upon his education, training, experience, his review of the scientific and medical literature and his review of the case specific materials.

Richard Hatfield
Materials Analytical Services
3945 Lakefield Court
Suwanee, GA 30024

Mr. Hatfield is a senior consultant at Materials Analytical Services in Suwanee, Georgia. Mr. Hatfield is expected to testify regarding the evaluation of asbestos materials in a building, materials-testing techniques, air sampling techniques, fiber counting techniques, and the techniques of measuring the releasability of fibers. He is expected to testify regarding his opinion of the releasability of asbestos fibers from Defendants' products. He is also expected to testify regarding his opinion as to the identity of certain products.

Mr. Hatfield is expected to testify regarding EPA and state government policies, regulations and guideline documents pertaining to asbestos materials and use of air sampling in determining exposures. He may also testify about clothing contaminated with asbestos and secondary asbestos exposures. He may testify and show videotapes concerning fiber release simulations and experiments. His testimony is based on his review of the literature, his education and work experience, and his own research.

Dr. Richard Lemen
11281 Big Canoe
Jasper, Georgia 30143
(770) 364-2776

Dr. Lemen is a trained epidemiologist, holding a Ph.D. and a M.S. in this field. Dr. Lemen is a retired Assistant Surgeon General of the United States who previously worked with NIOSH. He was involved in a NIOSH investigation of Pittsburgh Corning's Unibestos facility in Tyler, Texas, and other various asbestos manufacturing work plants including Philip Carey and Raybestos-Manhattan. He will testify concerning his factual observations and discussions concerning these investigations. Dr. Lemen's testimony will be relevant to all defendants. Dr. Lemen may also testify concerning manufacturers of asbestos containing products, the hazardous nature of asbestos-containing products, and the ability of such products to cause disease in humans.

Dr. Lemen may testify that all forms of asbestos, including chrysotile, can cause all diseases associated with asbestos exposure. Dr. Lemen may also testify regarding toxicity of fibers less than five micron in length. Dr. Lemen may testify concerning the ability of asbestos fibers to be released from asbestos-containing products, the ability of asbestos fibers to become airborne, to be disbursed throughout the workplace and enter the human body. Dr. Lemen may testify that all exposures to asbestos can contribute to asbestos related diseases.

Dr. Lemen may also testify about the various methods of prevention of asbestos related diseases and the history of such knowledge. Dr. Lemen may also testify about Threshold Limit Values and methods, procedures, and practices involved in industrial hygiene, occupational safety and health, occupational epidemiology and toxicology as well as general public health practice. Dr. Lemen may testify that Threshold Limit Values were not a standard for cancer, and that

disease could still occur at levels below Threshold Limit Values. Dr. Lemen may testify that visible levels of dust exceeded Threshold Limit Values. Dr. Lemen may also testify regarding government regulations, including specific state regulations. Dr. Lemen may testify regarding his review of trade association documents and corporate documents. He may also testify regarding a study he authored regarding corporate ethics and occupational health. Dr. Lemen may testify regarding the synergism between cigarette smoking and exposure to asbestos.

Dr. Lemen's testimony will be based on his education, training, research, experience, review of the medical and scientific literature, case specific materials and other materials.

Dr. Eugene J. Mark
Associate Pathologist
Harvard Medical School
Department of Pathology
Massachusetts General Hospital
Boston, Massachusetts 02114

Dr. Eugene Mark is a pulmonary pathologist who is on the faculty of the Harvard Medical School. In mesothelioma cases, he will base his diagnosis on the growth and histologic appearance of the tumor by light microscopy including chemical tests performed on the tissue. He will use results of electron microscopy where appropriate.

Dr. Mark may testify as to the relationship of diffuse malignant mesothelioma to asbestos exposure. He will state that most diffuse malignant mesotheliomas are caused by exposure to asbestos and he will state that all forms

of asbestos are capable of producing this tumor. Dr. Mark may also testify on the pathological diagnosis of asbestosis and other asbestos-related diseases. He will testify as to the relationship between asbestos and disease and the medical literature detailing the knowledge of these diseases.

Dr. Mark may testify concerning the value or lack thereof for asbestos fiber counts in lung tissue in these cases. He may describe the minerology and tumorigenic properties of asbestos fibers. He may also testify as to the general medical issues concerning the development, diagnosis, causes and treatment of diffuse malignant mesothelioma and/or other asbestos-related diseases. He may testify on the development of the state of knowledge of the various diseases caused by asbestos. He will discuss the molecular medicine that underlies over available understanding of asbestos-related diseases.

Dr. Mark will rely upon his education, training, experience, review of the medical and scientific literature and knowledge as applied to the review of the medical records, pathology and history of the plaintiff and to describe expected signs and symptoms and prognosis of the various diseases caused by asbestos including their current evaluation and treatment by modern medical techniques.

He will also testify that all fibers contribute and to cumulative exposures.

**Dr. James Millette
Millette, Vanderwood and Associates
Oakbrook Business Center
5500 Oakbrook Parkway
Suite 200
Norcross, GA 30093
(770) 662-8509**

Dr. James Millette is an Executive Director of MVA Scientific Consultants in Norcross, Georgia. He has been involved in environmental/toxicology/asbestos study since 1972, primarily using electron microscopy techniques. His research work includes eleven years as a Research Scientist at the United States Environmental Protection Agency Research Center in Cincinnati, Ohio and five years at McCrone Environmental Services performing and supervising analysis of particulates by microscopic techniques.

Dr. Millette is expected to testify regarding his work as a microscopist. He will testify regarding his past experiences of dealing with asbestos and his involvement in development and application of microscopical methods for analysis of asbestos fibers and other particles in air, water, dust and building materials.

Dr. Millette has conducted extensive research on asbestos-containing products and their potentials for fiber release. Dr. Millette has also reviewed many internal corporate documents as well as various government reports that also discuss the potential for fiber release from products. He may testify and offer opinions concerning whether specific types of asbestos-containing products have a potential to release respirable asbestos fibers. Specifically, Dr. Millette will offer his opinions regarding the asbestos content and the release of asbestos fibers from various asbestos-containing products that have been the subject of his studies over the years.

Dr. Millette is also expected to testify regarding materials-testing techniques, air sampling techniques, fiber counting techniques, physical

characteristics of asbestos and other minerals, identification of asbestos and materials and other constituents, methods for analyzing asbestos materials, the resuspension of asbestos fibers, releasability of asbestos fibers, and his opinion of the releasability of asbestos fibers from asbestos-containing construction materials. His testimony is based on his review of literature, his education and work experience, and his own research.

II. FACT WITNESSES

The following fact witnesses may testify to the presence and location of asbestos containing products including those manufactured by Grace. They may testify as to the states involvement in testing, surveying, abating, installing and monitoring the hazardous asbestos containing products.

STATE OF WASHINGTON CLAIMANTS - #6937, 6938, 6939, 6940, 6941, 6942, 6943 and 6944

These witnesses may testify to any or all of the State of Washington claimants filing claims against Debtor:

EV Davis, Director of Facilities Operations
Washington State University

Chris Baylon, Industrial Hygienist
WSU

Dwight Hagihara, Director Env. Health
WSU

Russ Schaff, Facility Health & Safety
Coordinator
WSU

Jim Lukehart

Asbestos Coordinator UW Facilities

Dave Leonard
University of Washington

Tom Henderson
Re: Community Colleges

In addition to witnesses identified above, specific witnesses may testify to specific buildings including, but not limited to:

Claimant #6937- CAPITAL COMPLEX

Northwest Environmental Services, Inc.
Maritime Building
911 Western Avenue
Seattle, WA 98104

Tim Odgen
Stephen E. Minassian
Project Managers
PBS Environmental

Conducted asbestos surveys of buildings and may testify to the location, placement, condition, identify, sampling and abatement of asbestos containing products.

David Olsen
CIH, CSP, MS
Olsen Consulting

Conducted asbestos surveys of buildings and may testify to the location, placement, condition, identify, sampling and abatement of asbestos containing products.

Claimant #6938- EDMUNDS COMMUNITY COLLEGE

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and testify to the location, placement, condition, sampling and abatement of asbestos containing products:

Sherry E. Paulus
Certified Environmental Specialists
Blue Ridge Associates, Inc.
P.O. Box 141386
Spokane, WA 99214

Kenneth T. White
MS, MBA (MM), Gen. Man, CIH, CSP
Environmental Hazards Services, LLC
7469 White Pine Road
Richmond, VA 23237

Howard Varner
Laboratory Director
Environmental Hazards Services, LLC
7469 White Pine Road
Richmond, VA 23237

Irma Fuszweski
Quality Assurance
Environmental Hazards Services, LLC
7469 White Pine Road
Richmond, VA 23237

David Ux
Ms. Senior Chemist
Environmental Hazards Services, LLC
7469 White Pine Road
Richmond, VA 23237

Feng Jiang
MS Senior Geologist
Environmental Hazards Services, LLC
7469 White Pine Road
Richmond, VA 23237

P.A. Snoboda
Environmental Health Sciences
NHS, Inc.
805 Goethals Drive

Richland, VA 99352

M.K. Hamilton
CIH and Laboratory Director
Environmental Health Sciences
NHS, Inc.
805 Goethals Drive
Richland, VA 99352

Glenn Johnson
Environmental Services Manager
State of Washington
Bureau Facility Management
OB-2 PA-11
Olympia, WA 98504

Stanley Bibby
Vessel Construction Manager
Washington State Dept. of Transportation
Marine Division
Washington State Ferries
801 Alaskan Way
Seattle, WA 98104-1487

Larry Schultz
Architect/Project Manager

Central Associates Inc.
Consulting Engineers

Mitchell Nelson
Manager
Washington State Dept of Transportation
Asbestos Abatement Program
602- 93rd Street, SW
Everett, WA 98204

Amtest, Inc.
14603 N.E. 87th

Redmond, WA 98053

John E. Miller, Chair
Asbestos Abatement Committee
WSU
Safety Division
Pullman, WV 99164-7300

David L. Smith
Senior Architect
WSU
Dept. of Facilities Planning
Pullman, WA 99164-1010

Brian Riley
DCF
Environmental Services Group

Claimant #6939-WSU KRUEGEL McALLISTER CENTRAL

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Environmental Hazards Services, Inc.
7469 White Pine Road
Richmond, VA 23237

Claimant #6940- WSU JOHNSON HALL & ANNEX

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Environmental Hazards Services
391 Eastlick
Pullman, WA 99164

Claimant #6941- WSU DAGGY HALL BLDG. #0803

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Larry Bailey
WSU Safety
Safety Officer

Claimant #6942-DANA HALL BLDG #0056

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Environmental Hazards Services LLC
7469 White Pine Road
Richmond, VA 23237

Claimant # 6943- UNIVERISTY PERFORMING ARTS CENTER

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Rex Swartz
Asst. Safety Officer
Beasley Performing Arts Center
Washington Department of Transportation

J. Bruce Thoreen
EPA Accredited Building Inspector
Hazcon, Inc.
4636 E. Marginal Way
Seattle, WA 98134

Michael L. Kato
Hazcon, Inc.
4636 E. Marginal Way
Seattle, WA 98134

Michael W. Krauze
CIH, Vice President
Hazcon, Inc.
4636 E. Marginal Way
Seattle, WA 98134

Mike Parrish
Analyst
Hazcon, Inc.
4636 E. Marginal Way
Seattle, WA 98134

Barbara Gloyd
Analyst
Hazcon, Inc.
4636 E. Marginal Way
Seattle, WA 98134

George Li
Analyst
Environmental Health Services
391 Eastlick
Pullman, WA 99164

Michael Smith
Analyst
ALPHA Engineering Group, Inc.
17th Avenue, SE #301
Bothell, WA 98021

Victor Mshar
Superintendent
ALPHA Engineering Group, Inc.
17th Avenue, SE #301

Bothell, WA 98021

Donald S. Peterson
John Graham and Company
1426 Fifth Avenue
Seattle, WA 98101

Keith Robinson
Environmental Hazards Services, Inc.
7469 White Pine Road
Richmond, VA 23237

L. Miller-Buie
Senior Geologist
Environmental Hazards Services, Inc.
7469 White Pine Road
Richmond, VA 23237

Jim Crow
Washington State University
Director of the Coliseum

Bruce Benson
Department of Physical Plant
Washington State University
Pullman, WA 99164

Don Hemovich, PE
Manager
Department of Hazardous Materials

Larry L. Lockrem
Westinghouse Environmental Systems and Systems
1234 Columbia Drive
Richland, WA 99352

Claimant # 6944-WSU McCOY HALL BLDG. #0044

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Howard Varner
Laboratory Director
Environmental Hazards Services LLC
7469 White Pine Road
Richmond, VA 23237

Claimant #2977 - CHP ASSOCIATES

Fred Berlinsky (owner)
1415 Route 70 East
Cherry Hill, NJ 08034

Mr. Berlinsky may testify to the presence, abatement and location of asbestos containing materials and facts surrounding claimants responsibility overseeing these issues.

Frank Ehrenfeld III
International Asbestos Testing Laboratories
16000 Horizon Way
Unit 100
Mt. Laurel, NJ 08054

Mr. Ehrenfeld is the laboratory director. He may testify about air sampling done at CHP in November 1997.

R. Timothy Popp
Senior Environmental Project Manager
TTI Environmental
1253 North Church Street
Moorestown, NJ 08057
(856) 840-8800

Mr. Popp may testify about the Phase I Environmental Site Assessment done at CHP in November, 1997,

Elizabeth R. Campbell

Project Manager
EMG
11011 McCormick Road
Baltimore, ND 21031

Ms. Campbell may testify about EMG's review of the Phase I Environmental Site Assessment prepared by TTI.

John Latwinas
President KLEMCO Asbestos Abatement
442 Buttonwood Avenue
Maple Shade, NJ 08052
(856) 779-0472

Mr. Latwinas may testify about asbestos abatement estimates KLEMCO did for CHP in December, 1997.

Claimant # 3405 – FARGO HOUSING AUTHORITY

Chris Hamre
Fargo Housing and Redevelopment Authority
325 Broadway N.
Fargo, ND 58107
(701) 293-6262

Mr. Hamre may testify about documents relating to the construction of the building and also to the asbestos survey done in February 2003.

Scott Seamonds
Trio Environmental Consulting, Inc.
2111 Main Avenue East
West Fargo, ND
(701) 492-9224

Mr. Seamonds may testify about results of the asbestos survey done by his former employer, Legend Technical Services, Inc.

Mark Waltz
Legend Technical Services, Inc.
3105 N. Broadway
Fargo, ND 58102
(701) 271-4796

Mr. Waltz may testify about the asbestos survey done on the building in February, 2003.

Claimant # 3406 – AMERICAN LEGION

Virgil Esteson or Wallace Lueck
Finance Officer
American Legion
505 3rd Avenue
Fargo, ND 58102

Mr. Esteson or Mr. Lueck may testify about the location, inspection, monitoring and abatement of asbestos containing products.

Darrin Broin or Thomas M. Gentzkow
TAC Environmental, Inc.
4202 3rd Avenue, NW
Fargo, ND 58102
(701) 281-9585

Mr. Broin or Mr. Gentzkow may testify about the result of bulk sampling done on sampled from the building.

Claimant #3515 – CATHOLIC DIOCESE OF LITTLE ROCK

Jim Driedrick, Property Manager
P. O. Box 7565
Little Rock, AR 72207

Mr. Driedrick may testify to the location, inspection, monitoring and abatement of asbestos containing products.

William L. Jones
Morris & Jones
5005 Hwy 161
Scott, AR 72142

Environmental Consultant, performed asbestos inspection and laboratory analysis of bulk samples in 2000 of property, and performed asbestos abatement in 2001.

Mark Cooperrider

Analytical Solutions, Inc.
12189 Pennsylvania St.
Thornton, CO 80241

Analyst, analyzed samples taken from property in 2000 showing asbestos content.

Jeff Lyons, President
Analytical Solutions, Inc.
21289 Pennsylvania St.
Thornton CO 80241

Company analyzed bulk samples for asbestos content

PORT OF SEATTLE CLAIMANTS –
Claimants # 9645, 9646, 9647

Thom Ervin
Construction Manager
Port of Seattle
17900 International Blvd.
Suite 420
Seatac, WA 98188

May testify to testing and abatement of the property, the asbestos analysis project at the port, fire-proofing samples and asbestos containing materials found at the port.

Rick Welsch
Penta Engineering Group

May testify to the collection, analysis and chain of custody of various asbestos samples and asbestos survey.

Manuel Escobar
Chief Engineer
P.O. Box 1209
Seattle, WA 98111

Engineering project manager. May testify to the identity, placement and abatement of asbestos containing materials and asbestos surveys received at port facilities.

Walter D. Ritchie
Chief Engineer

May testify to Seatac Airport Asbestos Analysis Reports.

Daryl Thaut

Utility worker foreman. Puget Sound Contractors & Consultants. Inspected buildings for friable asbestos containing materials 1/30/85

Claimants reserve the right to name or incorporate herein all W.R. Grace fact or expert witnesses, and their depositions for purposes related to the trial on lack of hazards. W.R. Grace fact or expert witnesses and their depositions may also be used to authenticate any documents attached to Claimants filings for identification of W.R. Grace products or documents relative to W.R. Grace objections based on the lack of hazards associated with asbestos in the Claimants' buildings.

Claimants incorporate herein any and all chain of custody witnesses as they relate to bulk, dust and air sample collections, surveys and analysis. Claimants incorporate herein any and all persons who were involved in collection of bulk of air or dust samples, the analysis of such and persons if not specifically identified above involved in conducting, supervising or analyzing asbestos surveys.

Claimants hereby incorporate witnesses listed above may testify to issues surrounding actual notice in regards to the hazards associated with asbestos.

Claimants reserve the right to identify additional fact and expert witnesses regarding W.R. Grace products and the known hazards of such products.

Dated: December 7, 2006

Respectfully Submitted by:

JASPAN SCHLESINGER HOFFMAN LLP

/s/ Laurie S. Polleck
Laurie S. Polleck, Esquire (No. 4300)
913 N. Market Street, 12th Floor
Wilmington, Delaware 19801
Telephone: (302) 351-8000
Facsimile: (302) 351-8010

And

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Anne McGinness Kearse
MOTLEY RICE LLC
28 Bridgeside Blvd.
P.O. Box 1792
Mount Pleasant, SC 29465
Telephone: (843) 216-9140
Facsimile: (843) 216-9440
E-mail: akearse@motleyrice.com